



PATENTS  
112056-0167  
P01-1728

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:  
Shane S. Owara et al.

Serial No.: 10/796,249

Filed: March 9, 2004

For: SYSTEM AND METHOD FOR IN-  
DEXING A BACKUP USING PER-  
SISTENT CONSISTENCY POINT  
IMAGES

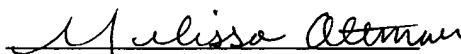
Examiner: Richard L. Ellis

Art Unit: 2171

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
July 13, 2005

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Melissa L. Altman

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Sir:

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In keeping with the duty of candor and good faith owed to the Patent and Trade-mark Office, Applicants wish to bring to the Examiner's attention the references listed on the accompanying form PTO-1449. A copy of each listed reference is enclosed.

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To the extent required by 37 C.F.R. §1.98(a)(3), Applicants have described what they consider to be the relevance of any foreign-language reference. The Office may find additionally relevant material in these or other references.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duane H. Dreger", is written over a horizontal line.

Duane H. Dreger  
Reg. No. 48,836  
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88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500



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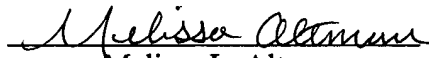
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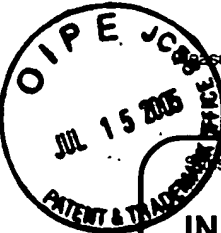
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

## Complete if Known

Application Number	10/796,249
Filing Date	March 9, 2004
First Named Inventor	Shane S. Owara et al.
Group Art Unit	2171
Examiner Name	Richard L. Ellis
Attorney Docket Number	112056-0167

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	1	4,570,217		Allen et al.	02-11-1986	
	2	5,163,131		Row et al.	11-10-1992	
	3	5,202,979		Hillis et al.	04-13-1993	
	4	5,278,979		Foster et al.	01-11-1994	

## OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	5	AKYUREK, SEDAT, <i>Placing Replicated Data to Reduce Seek Delays</i> , Department of Computer Science, University of Maryland, UMIACS-TR-91-121, CS-TR-2746, August 1991.
	6	BITTON, DINA, <i>Disk Shadowing</i> , Proceedings of the 14 <sup>th</sup> VLDB Conference, LA, CA 1988.
	7	CHAUDHURI, SURAJIT, ET AL., <i>Self-Tuning Technology in Microsoft SQL Server</i> , Data Engineering Journal 22, 2 1999 pp. 20-27.
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	13	HOWARD, JOHN, H. ET AL., <i>Scale and Performance in a Distributed File System</i> , Carnegie Mellon University, CMU-ITC-87-068, August 1987.

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Application Number		10/796,249	
Filing Date		March 9, 2004	
First Named Inventor		Shane S. Owara et al.	
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Attorney Docket Number		112056-0167	

Sheet	2	of	3
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	14	HOWARD, JOHN H., <i>An Overview of the Andrew File System</i> , Carnegie Mellon University, CMU-ITC-88-062 1988.	
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	16	KAZAR, MICHAEL LEON, <i>Synchronization and Caching Issues in the Andrew File System</i> , Carnegie Mellon University, CMU-ITC-88-063.	
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	18	KEMPER, ALFONS, ET AL., <i>Performance Tuning for SAP R/3</i> , Data Engineering Journal 22, 2 1999 pp. 33-40.	
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	21	LORIE, RAYMOND, A. <i>Physical Integrity in a Large Segmented Database</i> , ACM Trans. Database Syst., vol. 2, March 1977, pp. 91-104 .	
	22	OUSTERHOUT, JOHN ET AL., <i>Beating the I/O Bottleneck: A Case for Log-Structured File Systems</i> , Technical Report, Computer Science Division, Electrical Engineering and Computer Sciences, University of California at Berkeley, October 30, 1988.	
	23	PATTERSON, D., ET AL., <i>A Case for Redundant Arrays of Inexpensive Disks (RAID)</i> , Technical Report, CSD-87-391, Computer Science Division, Electrical Engineering and Computer Sciences, University of California at Berkeley 1987.	
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	25	PETERSON, ZACHARY NATHANIEL JOSEPH, <i>Data Placement for Copy-on-Write Using Virtual Contiguity</i> , University of CA, Santa Cruz, Master's Thesis for the Department of Science in Computer Science, September 2002.	

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	26	QUINLAN, SEAN, <i>A Cached WORM File System</i> , Software-Practice and Experience, 21(12):1289-1299 1991.	
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